



## EPA Daily News Briefing

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**TO: ADMINISTRATOR AND SENIOR EXECUTIVES**  
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## ADMINISTRATOR:

**NYTimes Analysis: Pruitt To Approach Weakening EPA Like "A Surgeon, Not A Butcher."** A [New York Times](http://www.nytimes.com) (2/5,

Davenport) analysis reports that EPA Administrator-designate is preparing plans "to move forward on the president's campaign promise to 'get rid of the agency he hopes to head.'" But, while Pruitt "has a blueprint to repeal climate change rules, cut staffing levels, close regional offices and permanently weaken the

agency's regulatory authority," he "is not likely to start with the kind of shock and awe that Mr. Trump has used to disorient Washington." Rather, "he will use the legal tools at his disposal to pare back the agency's reach and power, and trim its budget selectively." In Mr. Pruitt, the Times adds, "the president has tapped a surgeon, not a butcher." Pruitt "knows the legal intricacies of environmental regulation – and deregulation," and while his "changes may not have the dramatic flair favored by Mr. Trump," they "could weaken the agency's authority even long after Mr. Trump has left office."

**NYTimes Posts Pruitt's Climate Change Plan From 2014.** The [New York Times](#) (2/5) features a PDF version of Oklahoma Attorney General Scott Pruitt's climate change plan from 2014, which argued that the Obama Administration's Climate Action Plan "has no legal basis or force of law" and that through the law, the EPA is "engaging in energy rationing that will first eliminate coal-fired generation from each State's fuel mix, then target and eradicate natural gas-fired generation."

**EPA Urged Oklahoma To Address Seismic Activity Linked To Oil Wastewater Disposal.** The [AP](#) (2/3) reported that the EPA sent a letter to Oklahoma regulators in November calling on them to "do more to protect the state from a surge in earthquake activity that scientists have linked to the underground disposal of oil and gas wastewater." The Oklahoma Corporation Commission said the state will "continue to work with federal officials and made note of a governor's task force on wastewater." The AP notes that as Oklahoma's attorney general, Scott Pruitt has been criticized for not doing more to address seismic activity linked to oil and gas production.

**Pruitt Approved By Senate Panel Despite Democrat's Boycott.** The [Christian Science Monitor](#) (2/3) reported, in continuing coverage, that the Senate's Environment and Public Works Committee voted along party lines to approve Scott Pruitt to lead the EPA. The committee vote was boycotted by Democrats, who oppose his nomination over his views on climate change and "participation in more than a dozen lawsuits against EPA regulations." Pruitt's nomination will now head to a

"up-down vote in the Republican-controlled full Senate."

**Los Angeles Times: Pruitt Confirmation "Poses An Irreversible Risk To The Planet."** In an editorial, the [Los Angeles Times](#) (2/4) says that Environmental Protection Agency Administrator-designate Scott Pruitt has spent the last six years as Oklahoma's attorney general suing the agency and so "to select someone with a record like Pruitt's to lead the EPA is mind-boggling, offensive and deeply worrisome." The Times asserts the Senate should reject his nomination because "putting Pruitt in charge of the EPA...poses an irreversible risk to the planet."

**Pruitt's Nomination Criticized As "Deeply Worrisome."** An editorial in the [Chicago Tribune](#) (2/4) criticizes the nomination of Oklahoma Attorney General Scott Pruitt to lead the EPA, stating that "to select someone with a record like Pruitt's to lead the EPA is mind-boggling, offensive and deeply worrisome."

## **BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:**

**John Heinz Wildlife Refuge Polluted For Nearly 50 Years.** The [Daily Caller](#) (2/5, Barton) reports that "Cancer-causing pollution from military activities, defense contractors and others" at the John Heinz National Wildlife Refuge at Tinicum has "been documented since at least 1980, but little has been done by the EPA or anybody else to eliminate the problems." According to the article, "it's unclear why so little pollution has been cleaned, given the known dangers." FWS spokesman David Eisenhauer "didn't comment on the lengthy time required for the clean-up to completed." He said, "FWS has been working in partnership with EPA to investigate the site" since 1980, as Congress ordered.

### **Additional Reading.**

- **Don't Blame EPA For Gold King Mine Spill.** [Albuquerque \(NM\) Journal](#) (2/4).
- **EPA Did Not Shirk Responsibility In Mine Spill.** [Salt Lake \(UT\) Tribune](#) (2/4).

## **CLIMATE CHANGE:**

### **GOP Setting Key People In Place Before Attacking Clean Power Plan.**

E&E Publishing (2/3) reports senators that “campaigned on promises” to kill the Clean Power Plan “are fine with the White House slow-walking efforts to tackle the rule.” Senators are optimistic Scott Pruitt “will be confirmed” to head the EPA this week, and senators “say filling top posts within the agency before detailing plans to ax the Obama-era rule to slash greenhouse gas emissions from power plants is ‘smart strategy.’” The White House has “sidestepped questions” regarding “whether the administration might target the 2009 endangerment finding that is the legal foundation for most regulations aimed at cutting carbon dioxide, as some transition officials have suggested.” GOP senators “central to the efforts said they had not been consulted on tactics.” Sen. Shelley Moore Capito said, “I haven’t heard that actually verbalized to me as a strategy. I think it’s a smart strategy.” Urging the confirmation of Perry at DOE, Capito said, “Get your people in place. ... I would think you’d want your team together so you can see which way you want to move forward.”

### **Trump Administration Reverses EPA Freeze, But Congressional Republicans Move To Limit Its Reach.**

The AP (2/3, Biesecker) reported the Trump Administration announced Friday that it has reversed a “temporary freeze on contract and grant approvals at the Environmental Protection Agency, with all \$3.9 billion in planned spending moving forward.” The agency’s media blackout has also been “partially lifted, as a trickle of press releases were issued by the EPA this week.” The Huffington Post (2/3, D’angelo) reported House Republicans have introduced “the ‘Stopping EPA Overreach Act of 2017,’ a resolution that seeks to rein in what he and dozens of other Republicans see as an abuse of statutory authority.” The act “would rewrite the Clean Air Act to exclude greenhouse gases, including carbon dioxide, methane and nitrous oxide, from air pollutants the EPA is able to regulate,” and would repeal Obama’s “Clean Power Plan and a rule setting methane emission standards for oil and gas operations.”

### **Opinion: US Climate Agencies Need Staff Refresh To Stop Hysteria.**

In a Wall Street Journal (2/3, Jenkins, Jr.) op-ed, contributor Holman W. Jenkins, Jr. criticized climate agencies for declaring temperature records that are not significantly different from other warm years, arguing that there is no observable warming trend since the 80’s and 90’s. Jenkins called on US agencies to stop making statements that create apocalyptic headlines. He insisted that climate science is real, but suggests that a staff refresh in US agencies could improve how they operate.

## **ENERGY:**

### **US Ethanol Producers Pump At Record Levels, Policy Clouds Loom.**

Reuters (2/3, Prentice) reported US ethanol producers pumped a “record” 1.06 million barrels per day last week, a rise of 10.5 percent on the year, according to the EIA, but some in the industry are concerned “policy changes in the United States and China could upend demand for their product.” However, “Strong balance sheets may insulate” companies like ADM, Green Plains Inc, and Valero “from weakening margins.”

## **INTERNATIONAL:**

### **EU Proposes To Again Postpone Emissions Limits For International**

**Flights.** Reuters (2/3, Fioretti) reported that on Friday, the EU proposed to extend its exemption of international flights from new emissions limits for another four years. The exemption was set to expire at the start of 2017, but the EU proposed to extend it “to avoid a repeat of tensions when it tried to include all flights in 2012.” The extended exemption – which will require approval by the European Parliament – will prevent a “patchwork” of regulations as the United Nations works to “implement a global system to curb pollution from planes.” EU Transport Commissioner Violeta Bulc explained that the EU “is now focused on getting the global scheme up and running. We are serious about achieving carbon neutral growth for aviation worldwide, and we will provide technical support to make it happen.”

## **OTHER NEWS:**

**Rep. Gaetz Proposes Bill To Abolish EPA.** The [New York Daily News](#) (2/5, Hensley) reported that freshman lawmaker Rep. Matt Gaetz (R-Fl.) submitted “radical legislation” on Friday to dissolve the EPA. The text of legislation “remains a mystery as it enters congressional committee,” so is uncertain how Gaetz plans to dismantle the agency.

### **Trump Team Mulling Future Of CEQ.**

The “Morning Energy” blog of [Politico](#) (2/3) reported President Trump’s “team has begun reaching out to Republicans for advice on structuring the White House Council on Environmental Quality after ignoring the counsel for months.” It is not known yet if it will be molded “like George W. Bush did, with wide latitude to coordinate policy issues across agencies, or as Barack Obama did, holding less sway in a White House dominated by climate and energy advisers.” According to one Republican, “There appears to be substantial recognition in conservative circles of the need to more fully empower and take advantage of the CEQ operation, as was done in the Bush administration.” Former Texas Commission on Environmental Quality chairwoman Kathleen Hartnett White is considered a “leading contender” to head the council.

**Trump’s EPA Says Recent Confusion Part Of “Normal Transition.”** [Slate](#) (2/5) reports that it has obtained “several leaked communications” that suggest the Trump EPA transition team “is attempting to frame the anxiety emanating from the agency as normal transition woes, rather than serious concern for the future of the agency.” Acting EPA administrator Catherine McCabe “attempted to quell some of the hysteria surrounding the transition” with a statement released on Friday claiming that “the hiring freeze, the ‘pause’ in communications, and a hold on new regulations as routine steps for any incoming administration.”

**Still Unknown When Perry Will Get Senate Vote.** The “Morning Energy” blog of [Politico](#) (2/3) reported Friday morning that “all three energy-related nominees are now through committee,” but they are “not on Majority Whip John Cornyn’s Thursday list of the next four Cabinet picks slated for full Senate votes.” With Democrats in the Senate “drawing out each vote

for days, it may be weeks before the Senate gets around to DOE pick Rick Perry, Interior designee Ryan Zinke and EPA nominee Scott Pruitt, although there is virtually no doubt all will eventually be confirmed.” EPW Chairman John Barrasso said, “I’m not sure what the order is going to be. ... Because it seems like Democrats are trying to delay every Cabinet member. They’re going to delay the president from getting a Cabinet, which is unprecedented. It’s also childish.” [Bloomberg BNA](#) (2/5) reported Republicans in the Senate started “a major push to get President Donald Trump’s nominees for the Justice, Treasury, and Health and Human Services departments confirmed the week of Feb. 6.”

**Nevada Democrat Discusses Support For Perry.** The [Las Vegas Review-Journal](#) (2/3, Martin) reports Democratic Sen. Catherine Cortez Masto of Nevada “has supported three Cabinet-level nominees, and opposed three others.” Cortez Masto, who sits on the Senate Energy and Natural Resources Committee, voted “to move the nominations of former Texas Gov. Rick Perry and U.S. Rep. Ryan Zinke, R-Mont., to the full Senate for a confirmation vote for Energy and Interior departments.”

[KLAS-TV](#) Las Vegas (2/4) reports on its website that Cortez Masto said of Perry, “He wasn’t my first choice, and I will tell you I had the opportunity to sit with him and talk with him. ... Although we don’t see eye-to-eye on all of the issues, I do know that as a former governor, he supported consent-based siting for Yucca Mountain. We even saw in his own state that he accepted that waste, recognizing states’ rights and involvement.”

### **Additional Reading.**

- **Pulitzer Prize Winning News Group Tweets Misleading Claims About EPA’s Website.** [Daily Caller](#). (2/4, Bastasch)
- **Greene: Don’t Believe Reports Of Transition Turmoil At EPA** . [Fort Worth \(TX\) Star-Telegram](#). (2/3)

## **PESTICIDES:**

**Neonicotinoid Connection To Bee Decline Examined.** [The Guardian \(UK\)](#) (2/5, Moodie) addresses the debate among scientists over whether or not neonicotinoids found in pesticides harms bee colonies. Scientists have

continued to investigate the connection to disease and habitat loss among bees and aquatic insects with use of pesticides and fungicides containing neonicotinoids, but critics of these studies claim that there is not enough evidence to prove that bee harm is directly caused by the pesticide chemicals. In response to this concern, the EPA has required clearer language on neonicotinoid-containing products, and some companies including Syngenta and Dow AgroSciences have developed alternative products without neonicotinoids.

## **RULES/REGULATIONS/POLICY**

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**Republican Lawmakers Begin Rolling Back Obama Energy Regulations.** The AP (2/3) reported the House voted “Friday to overturn an Obama administration rule that sought to reduce harmful methane emissions” from “companies that burn off natural gas during drilling operations.” Congressional “Republicans argued that the rule is causing job losses in energy-dependent states.” The Washington Post (2/3, Harvey) reported the rule was changed “under a law known as the Congressional Review Act, which allows Congress a limited time period to overturn federal regulations after they have been finalized.” The oil and gas industry praised the move, saying that the Trump Administration’s “smarter, science-based regulatory approach to continue meeting America’s energy needs and expanding U.S. global energy and environmental leadership.” The Hill (2/3, Henry) reported that the change must be “approved by the Senate and signed by President Trump” in order to be effective.

The Wall Street Journal (2/3, Harder, Michaels) reported legislation to eliminate a rule requiring energy companies to report payments to foreign governments for energy development rights and another related to coal mining near streams are already headed to President Trump for signature. The Christian Science Monitor (2/3, Iaconangelo) reported “the mining industry celebrated the news of the repeal,” saying that it is a “very, very important step to get coal back on its feet and stop the hemorrhaging of jobs that we’ve seen.”

The New York Times (2/4, Lipton) reported National Mining Association VP Luke Popovich

celebrated the news, calling it “a big, fat victory, after all this time,” while the industry is expected to increase pressure on Congress to repeal other regulations.

## **WATER:**

### **New York Changes Lead Testing**

**Protocol For Public Schools.** The New York Times (2/3) reported that after New York officials changed the protocol used to test water in public schools for lead, they results of the new round of tests found “nine times as many water outlets...with lead levels above the Environmental Protection Agency’s ‘action level’ of 15 parts per billion.” The New York Times reported on the city’s initial testing process in September, quoting experts who said the use of pre-stagnation flushing “temporarily reduces lead levels because it cleans the inside of pipes of soluble lead.” By December, officials issued regulations discouraging pre-stagnation flushing, and the city pledged to retest all school building “out of an abundance of caution.”

### **Additional Reading.**

- ***EPA Slams State Drinking Water Program*** — Pittsburgh Post-Gazette. (2/4)

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